

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David W. Stebbins
fdba Arrowhead Lodgings
Debtor(s)

Bankruptcy Case No.: 20-20905-CMB
Per June 22, 2020 proceeding
Chapter: 13
Docket No.: 28 – 11
Concil. Conf.: November 19, 2020 at 01:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 3/10/20 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Nov. 19, 2020 at 01:00 PM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Jefferson County TCB (Cl 4) .
- ☒ H. Additional Terms: Ally Financial (Cl 13) governs at the modified terms of the plan.

Plan must remain 100%

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: June 26, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David W. Stebbins
 Debtor

Case No. 20-20905-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

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 Total Noticed: 33

Date Rcvd: Jun 26, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 28, 2020.

db +David W. Stebbins, 1100 Love Street, Pittsburgh, PA 15218-1157
 cr +First National Bank of Pennsylvania, 100 Federal Street, Pittsburgh, PA 15212-5708
 15214793 +AmeriHome Mortgage, Po Box 77404, Ewing, NJ 08628-6404
 15214794 +AmeriHome Mortgage, 1 Baxter Way, Suite 300, Thousand Oaks, CA 91362-3888
 15214795 +Barnett Township Tax Collector, 150 Route 899, Clarington, PA 15828-2224
 15214796 +Burford & Henry Real Estate Services, 10189 Route 322, Shippensburg, PA 16254-8651
 15243434 +Cenlar FSB, 425 Phillips Blvd, Ewing, NJ 08618-1430
 15214799 City & School District of Pittsburgh, Treasurer - City of Pgh., 414 Grant Street,
 Attn: Bankruptcy, Pittsburgh, PA 15219-2476
 15214800 +Clarion County Tax Claim Bureau, 330 Main Street, Room 101, Clarion, PA 16214-1073
 15214803 +Economy Borough Municipal Authority, 2860 Conway-Wallrose Road, Baden, PA 15005-2396
 15214804 Farmington Township, c/o Nancy Ochs, PO Box, Lucinda, PA 16235
 15214805 +First National Bank, 4140 E State Street, Hermitage, PA 16148-3401
 15214806 +First National Bank, Attn: Bankruptcy, 4140 East State Street, Hermitage, PA 16148-3401
 15214807 +First United National Bank, 400 Liberty Street, Clarion, PA 16214-1011
 15249670 +First United National Bank, 19535 Route 208, PO Box 7, Fryburg PA 16326-0007
 15214809 +Jefferson County Tax Claim Bureau, 200 Main Street Courthouse, Brookville, PA 15825-1271
 15214810 +Jo Wheeler Landscaping, 1238 Love Street, Pittsburgh, PA 15218-1120
 15214811 Mark Cassata, 314 Pennsylvania Ave, Irwin, PA 15642-3542
 15214812 +Millvale Mutual Insurance Co., PO Box 170, Millville, PA 17846-0170
 15243380 +NewRez, LLC d/b/a Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826
 15214813 +Peoples Natural Gas Company, 375 North Shore, Bankruptcy Division,
 Pittsburgh, PA 15212-5866
 15214815 +Quest Diagnostics, c/o Patient Bankruptcy Services, PO Box 740775,
 Cincinnati, OH 45274-0775
 15214816 +William and Carol Logsdon, c/o William Logsdon, 1106 Love Street,
 Pittsburgh, PA 15218-1157

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15242501 E-mail/Text: ally@ebn.phinsolutions.com Jun 27 2020 04:22:04 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 15214792 +E-mail/Text: ally@ebn.phinsolutions.com Jun 27 2020 04:22:04 Ally Financial,
 Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
 15214791 +E-mail/Text: ally@ebn.phinsolutions.com Jun 27 2020 04:22:04 Ally Financial,
 P.O. Box 380901, Bloomington, MN 55438-0901
 15214801 E-mail/Text: mrdiscen@discover.com Jun 27 2020 04:22:09 Discover Financial, Pob 15316,
 Wilmington, DE 19850
 15218641 E-mail/Text: mrdiscen@discover.com Jun 27 2020 04:22:09 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15214802 +E-mail/Text: mrdiscen@discover.com Jun 27 2020 04:22:09 Discover Financial,
 Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
 15242785 +E-mail/Text: kbarkley@bernsteinlaw.com Jun 27 2020 04:23:36 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15214797 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jun 27 2020 04:27:55 Chase Mortgage,
 700 Kansas Lane, Monroe, LA 71203
 15214798 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jun 27 2020 04:28:32 Chase Mortgage,
 Chase Records Center/Attn: Correspondenc, Mail Code LA4 5555 700 Kansas Ln,
 Monroe, LA 71203
 15214814 E-mail/Text: BankruptcyMail@questdiagnostics.com Jun 27 2020 04:23:45 Quest Diagnostics,
 PO Box 7302, Hollister, MO 65673-7302

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr AmeriHome Mortgage Company, LLC
 cr Jpmorgan Chase Bank, National Association
 cr Newrez LLC D/B/A Shellpoint Mortgage Servicing
 cr* +Duquesne Light Company, c/o Bernstein-Barkley, P.C.,
 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 cr* +Jefferson County Tax Claim Bureau, 200 Main Street, Courthouse, Brookville, PA 15825-1271
 15214808* +First United National Bank, 400 Liberty Street, Clarion, PA 16214-1011

TOTALS: 3, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: lmar
Form ID: 149

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Total Noticed: 33

Date Rcvd: Jun 26, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 28, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 26, 2020 at the address(es) listed below:

David W. Raphael on behalf of Creditor First National Bank of Pennsylvania
raphaeld@fnb-corp.com
James Warmbrodt on behalf of Creditor AmeriHome Mortgage Company, LLC bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor Newrez LLC D/B/A Shellpoint Mortgage Servicing
pawb@fedphe.com
Kenneth Steidl on behalf of Debtor David W. Stebbins julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Mario J. Hanyon on behalf of Creditor Jpmorgan Chase Bank, National Association
pawb@fedphe.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8